

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANIEL MARTIN PIRKEL,

Petitioner,

v.

CARMEN PALMER,

Respondent.

CASE No. 1:11-CV-205

HON. ROBERT J. JONKER

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ORDER

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on January 17, 2019. (ECF No. 60). The Report and Recommendation was duly served on the parties. On February 11, 2019, the Court granted Petitioner a fourteen-day extension to file his Objections. Petitioner's Objections were due no later than February 25, 2019. (ECF No. 63). The time for filing Objections has passed, and no objections have been filed under 28 U.S.C. § 636(b)(1)(C).

The only submission by Defendant is a motion to supplement the record (ECF No. 61) with certain documents that were referenced, but not provided, in the Rule 5 materials. The Court grants the motion to the extent Petitioner seeks to supplement the record but denies it in all other respects. Specifically, nothing in the supplemental materials disturbs the Magistrate's analysis. While the Magistrate observed the absence of the records provided by Petitioner, the Magistrate did not rely on the absence of those records in arriving at his Recommendation.

ACCORDINGLY, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (ECF No. 60) is approved and adopted as the opinion of the Court.

IT IS FURTHER ORDERED that Petitioner's Motions to Supplement (ECF No. 61) is **GRANTED** to the extent Petitioner seeks to supplement the record.

IT IS FURTHER ORDERED that Petitioner's habeas petition is **DENIED**.

IT IS FURTHER ORDERED that this matter is **TERMINATED**.

The Court discerns no good-faith basis for appeal of this matter. *See McGore v. Wrigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997); 28 U.S.C. § 1915(a)(3).

Dated: February 28, 2019

/s/ Robert J. Jonker
ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE